

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6612

BILL NUMBER: SB 163

NOTE PREPARED: Jan 29, 2008

BILL AMENDED:

SUBJECT: Civil Penalties for Littering.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. Austin

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill establishes a \$200 Highway Beautification Fee to be assessed against a person who has committed littering. It provides that the fee is divided between the Indiana Department of Transportation's (INDOT) Highway Beautification Fund and the law enforcement agency that issued the littering citation. The bill makes an appropriation.

Effective Date: July 1, 2008.

Explanation of State Expenditures:

Explanation of State Revenues: This proposal could have a positive impact on state revenues from judgments from littering violations that may result because of the new fee and the revenue distribution. The exact amount is indeterminable and ultimately will be determined by the number of littering violations which are brought.

Fifty percent of the proceeds are deposited into the Highway Beautification Fund and 50% is distributed to the county auditor for distribution to the law enforcement agency, including the State Police Department, that issued the citation. Money distributed to the law enforcement agency may be used for any law enforcement purpose or as a contribution to the pension fund of the law enforcement agency.

In CY 2006, the State Police reported 128 citations of littering under IC 35-45-3-2. Based on these data, at least \$25,600 would be generated, with \$12,800 distributed to INDOT and \$12,800 distributed to the State Police. The number of citations issued by other law enforcement agencies is not known.

The Highway Beautification Fund is established for the purpose of improving the appearance of the state's

highways. INDOT is to manage the fund. The expenses of administering the fund are to be paid from the fund. Money in the fund does not revert to the state General Fund at the end of a state fiscal year. Money is continually appropriated to carry out the purposes of the bill.

Explanation of Local Expenditures:

Explanation of Local Revenues: See *Explanation of State Expenditures*.

State Agencies Affected: INDOT; State Police; Department of Natural Resources' Conservation Officers.

Local Agencies Affected: Local law enforcement agencies.

Information Sources:

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